

**Pet Insurance
Virginia Filing Checklist**

REVIEW REQUIREMENTS	REFERENCE	COMMENTS
FORMS		
Applications		
No Applications are to be Filed	§ 38.2-317 § 38.2-305 § 38.2-1901 § 38.2-1906	FORMS: An application for insurance is not a 'policy form' or 'endorsement' under the provisions of Virginia law. In order to satisfy Virginia's form filing requirements, all coverages, terms, exclusions, and conditions of the policy must be contained in the policy forms and/or endorsements. It is the insurer's responsibility to make sure that any provisions in an application have also been approved in the policy forms or endorsements. RULES/RATES: It is the insurer's responsibility to make sure that any rates and supplementary rate information included in an application have also been filed in the insurer's manual of rules and rates.
Fraud Statement Required	§ 52-40 B	Fraud language must be included in every application. If the company's fraud notice uses wording other than the statutory wording, the Fraud Bureau of the Virginia State Police must approve the revised language. The language set forth in § 52-40 B is as follows: "It is a crime to knowingly provide false, incomplete or misleading information to an insurance company for the purpose of defrauding the company. Penalties include imprisonment, fines and denial of insurance benefits".
Warranties in Applications Prohibited	§ 38.2-309	Statements in applications are representations, not warranties, and may not be used to bar recovery unless the statement was material to the risk and proven untrue.
Arbitration		
Binding Arbitration and/or Appraisal Provisions Prohibited	§ 38.2-312 Administrative Letter 1998-12	Arbitration and/or appraisal provisions are allowed, but the results of the arbitration or appraisal cannot be stated as binding in the policy.
Bankruptcy Provision		
Cancellation & Nonrenewal		
Calculation of Return Premiums	§ 38.2-305	The method of calculation of return premiums must be clearly stated in the policy.
Filing Standards		
Line of Authority	§ 38.2-116	The coverage provided must be included in the definition of animal insurance; and the company must be licensed to write this line of insurance.
Contents of Policies	§ 38.2-305	All provisions and conditions pertaining to the insurance must be stated in the policy.
Fees	§ 38.2-310	The insured must be provided any and all fees, charges, premiums or other consideration charged for the insurance or for the procurement of insurance in the policy documents, with exception to service charges for installment payments, which may be provided in writing separately.
Type Size	§ 38.2-311	All policy forms and endorsements must be printed in 8 point or larger type.
Suit	§ 38.2-314	The time allowed to bring suit against the company must be at least one year after a loss occurs or a cause of action accrues.
30-day Prior Approval for Forms	§ 38.2-317 Administrative Letter 1990-3 (effective date requirement)	Insurers must file all forms at least 30 days prior to their proposed effective date. The cover letter must request implementation based on "policies effective" on and after a specified date, which is at least 30 days after the filing is received by the Bureau. The Bureau must notify the insurer of its approval or disapproval within 30 days of receipt of the filing. The Bureau may extend this 30-day review period for an additional 30 days by sending written notice to the insurer.
Clear and Unambiguous Language	§ 38.2-317	Policy forms or endorsements shall not contain misleading, inconsistent, ambiguous, unclear, or deceptively worded provisions, exceptions, or titles. Endorsements that amend the policy form(s) should track the structure and language of the forms being amended.
Countersignature	§ 38.2-323	No insurance policy shall contain any provision that deems a policy to be invalid due to the absence of the signature or countersignature of an agent or company representative.
Benefits	§ 38.2-305	The health benefits for the animal must be clearly defined.
Liberalization Clause		

REVIEW REQUIREMENTS	REFERENCE	COMMENTS
Loss Settlement		
RATING		
Pricing		
Rates are File-and-Use; Certification Required	§ 38.2-1904 § 38.2-1906 Administrative Letter 1987-11	Rates must be filed on or before the proposed effective date and shall not be excessive, inadequate, or unfairly discriminatory. A completed and signed Actuarial Certification form COF-1 (see Administrative Letter 1987-11) must be provided.
Specific Rates Required	§ 38.2-1906 Administrative Letter 1985-11	Ranges of rates are not permitted. "Refer to Company" rules must indicate that resulting rates will be filed with the Bureau prior to use.
Rules for Forms	§ 38.2-1906	A rating rule must be filed for every premium-bearing endorsement.
Installment Payment Plans	§ 38.2-310 Administrative Letter 1993-6	Insurers must file all available payment plans including down payment options, installment options and any applicable service fees.
Premium Waiver Rules	Administrative Letter 1983-12	Small return and additional premiums may be waived; however, the named insured must be notified that a return premium is available and the return premium must be paid upon request of the insured. The insurer must file a rule stating the amount of premium to be waived.
Fees	§ 38.2-100 § 38.2-1901 § 38.2-1906	Fees are included in the definitions of 'rate' in § 38.2-100 and 'supplementary rate information' found in § 38.2-1901. Since § 38.2-1906 requires insurers to file rates and supplementary rate information, all fees and service charges must be filed. This includes, but is not limited to, installment fees, late fees, non-sufficient fund check fees, reinstatement fees, policy fees, membership fees, etc. Fees related to the underwriting and pricing of a risk are considered premium and may not be fully earned. This includes fees that are charged to <i>all</i> policyholders, such as policy initiation fees, membership fees and other similar fees, and expense fees relating to underwriting and pricing of a risk, such as an SR-22 fee. Upon cancellation, these fees must be included in the calculation of the refund in accordance with the cancellation provisions in the policy. Failure to pay these fees can be the basis for a non-pay cancellation.

REVIEW REQUIREMENTS	REFERENCE	COMMENTS
Rating Plan Requirements		
Experience and Schedule Rating Plans	Administrative Letter 1983-9 Administrative Letter 2001-12	Maximum total credit/debits must be specified. Rules must state how modifications will be combined (additively or multiplicatively) and whether expense modifications are included in, or separate from, such plans.
Expense Reduction Plans	§ 38.2-1904 E	Insurers are permitted to use expense reduction plans. Expense reduction plans permit agents to reduce their commission, thus lowering the premium to be charged to the insured. Such plans must be filed as part of the insurer's manual of rates and supplementary rate information. Each available reduction level must be specified. The plan should specify if the commission level applies to new or renewal business or both. The plan must represent a reduction in premium for each expense reduction level; increases are not acceptable.
Tiered Rating Plans	§ 38.2-1904 § 38.2-1906	Insurers must file the specific eligibility criteria that distinguish between the pricing levels when using tiered rating plans. Re-underwriting at each renewal is required to ensure that the risk is placed in the appropriate tier.
General Filing References		
Cover Letter	Administrative Letter 1983-7 Administrative Letter 1990-3	The cover letter must contain the NAIC number and full company name of each company for which the filing is being submitted. The cover letter must request implementation based upon "policies effective" on and after a specific date.
Third Party Filers	Administrative Requirement Filing Guidelines Handbook	If the insurer delegates its filing responsibilities to a third party, the filing must include a signed letter of authorization or a signed filing authorization form. The form is included in the Virginia Filing Guidelines Handbook.
Copies, Return Envelopes	Administrative Requirement	A complete copy of the filing must be provided for each company for which the filing is submitted. An extra copy of the cover letter must be included for acknowledgment, along with a postage-paid envelope.
Forms List	Administrative Requirement	A complete list of the forms being used (including form numbers, edition dates and titles) should be included as part of the manual rules.
Rule and/or Rate Pages Required	Administrative Requirement	The company must provide the rules and/or rates on 8-1/2 x 11" size paper. The rule and/or rate pages should not be labeled as "EXHIBIT" or contain any similar reference. Rate and rule pages should be labeled with the company or group name and the program type or name.
Prepare and submit filings separately by line of insurance, by program	Administrative Requirement	Filings, other than installment payment plans, must be prepared and submitted separately by line of insurance and/or by program and include a complete copy of the filing for each company to which it applies. Group filings must be sorted and collated by company. This also applies to replies to Bureau correspondence and to re-submissions of disapproved filings.

Access to Administrative Letters, Administrative Orders, Regulations and Laws is available at
[Virginia: Bureau of Insurance's Administrative Letters/Orders/Laws Page](#)

The Personal Lines Rates and Forms Section handles pet insurance filings. Please contact this section at (804) 371-9965 if you have questions or need additional information about this line of insurance.

CERTIFICATION OF FILING

I hereby certify that I have reviewed the attached pet insurance filing and determined that it is in compliance with the pet insurance checklist.

Signed: _____

Name (please print): _____

Company Name: _____

Date: _____ **Phone No.:** _____ **FAX No.:** _____

E-mail Address: _____